



24 SEP 2003

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In re Application of
VAN VEROOIJ, et al.
Application No.: 09/308,150
PCT No.: PCT/NL97/00624
Int. Filing Date: 14 November 1997
Priority Date: 15 November 1996
Attorney Docket No.: 30394-1027
For: PEPTIDE DERIVED FROM ...
DETECTING AUTOIMMUNE
ANTIBODIES

DOCKETED

Reply due 11.24.03
6 mos = 3.24.04

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is in response to applicants' "Supplemental Petition Decision Response" filed in the United States Patent and Trademark Office (USPTO) on 15 July 2003.

BACKGROUND

On 14 November 1997, applicants filed international application PCT/NL97/00624. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 May 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 12 June 1998, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 May 1999 (15 May 1999 was a Saturday).

On 13 May 1999, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 July 1999, USPTO mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration were required.

On 30 September 1999, applicants filed "Petition Under 37 C.F.R. §1.47(a)" accompanied by, a declaration and the fee for a two month extension of time.

On 03 November 1999, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application had a 35 U.S.C. 102(e) date of 30 September 1999 and a 35 U.S.C. 371 date of 30 September 1999.

EXHIBIT 1

On 18 April 2003, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice and vacating the Notification of Acceptance mailed 03 November 1999.

On 17 June 2003, applicants submitted by facsimile "Petition Decision Response and Renewed Petition Under 37 C.F.R. §1.47(a)".

On 15 July 2003, applicants submitted "Supplemental Petition Decision Response," and a petition for a one month extension of time.

DISCUSSION

As applicants have located the non-signing inventor and obtained his signature, the petition under 37 CFR 1.47(a) is moot.

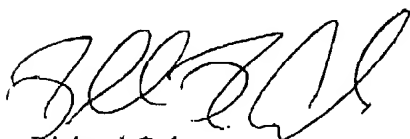
However, the declaration does not satisfy the national stage entry requirements. The 18 USC 1001 statement is partially obscured and the declaration contains untranslated notations in a foreign language, which are not permitted under 37 CFR 1.69.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

A declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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